

**Notice of Allowability**

Application No.

09/545,991

Applicant(s)

FREEMAN, CRAIG

Examiner

James W Myhre

Art Unit

3622

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3/17/05.
2. ☒ The allowed claim(s) is/are 15-17, 19-30, 32-43, 45, 46 and 48-66.
3. ☒ The drawings filed on 26 July 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☒ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)           |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|   | 9. <input type="checkbox"/> Other _____   |

***SUPPLEMENTAL NOTICE OF ALLOWANCE***

***Claim Status***

1. The proposed amendment after allowance filed on March 17, 2005 has been entered. The amendment canceled Claims 18, 44, and 47, with Claims 1-14, 31, and 67-75 being previously canceled. Therefore, Claims 15-17, 19-30, 32-43, 45, 46, and 48-66 are pending.

***Drawings***

2. This application has been filed with drawings that are considered informal; said drawings are acceptable for examination purposes. The review process for drawings that are included with applications on filing has been modified in view of the new requirement to publish applications at eighteen months after the filing date of applications, or any priority date claimed under 35 U.S.C. §§ 119, 120, 121, or 365. The correction to figure 1 submitted in formal amendment 7/26/2004 is acceptable to the Examiner. See PTO Form 948 for the Official PTO Draftsperson's objections.

***Claims Rejections - 35 U.S.C. § 103( a )***

3. Rejections Withdrawn.

***Allowable Subject Matter***

3. Claims 15-17, 19-30, 32-43, 45, 46, and 48-66 are allowed.

***Examiner's Statement of Reasons For Allowance***

4. The following is an examiner's statement of reasons for allowance:

The Applicant has sufficiently shown that the elements of independent claims 15, 28, 41, 43, 50, 54, 58, and 61 have multiple implementation details not disclosed in the prior art of record.

Independent claims 15, 28, 41, 43, 50, 54, 58 & 61 substantially recite in part a contractor global on-line building construction materials ordering system and method where building construction materials to be ordered are categorized and classified for specific regional building construction requirements and orders are filed by specific regional suppliers knowledgeable about the regional requirements of the contractor and capable of supplying the required regional building construction materials; support for chimed elements and limitation are found in the specification of the instant application on at least pp. 18-22. In this case, class searches, and word searches have shown that neither a given reference nor a combination of references exists which contain elements in an inclusive arrangement as claimed in the instant invention. Therefore, the prior art references of record do not precisely teach or suggest the combination of elements of the instant invention. Although it is known in the prior art to handle "*orders intended for local sources or suppliers . . . with local supplier programs. . .*" (See Schlafly (col. 5, lines 53-67; and col. 6, lines 1-3), there is no disclosure in the prior art of record for providing part a contractor global on-line building construction materials ordering system and method where building construction materials to be ordered are categorized and

Art Unit: 3622

classified for specific regional building construction requirements and orders are filled by specific regional suppliers. Therefore, the instant invention as claimed in claims 15, 28, 41, 43, 50, 54, 58, and 61 is not anticipated by the prior art of record. Furthermore, the prior art references of record do not implicitly, individually, or in combination disclose elements that would have rendered the claimed elements and limitations in the instant invention obvious to one of ordinary skill in the art at the time of the invention.

Dependent claims 16, 17, 19-27, 29, 30, 32-40, 42, 45, 46, 48, 49, 51-53, 55-57, 59, 60, and 62-66 are allowable because they depend from independent claims which contain allowable subject matter.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exr. James W. Myhre whose telephone number is (571) 272-6722. The examiner can normally be reached Monday through Thursday from 5:30 a.m. to 3:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber, can be reached on (571) 272-6724. The fax phone number for Formal or Official faxes to Technology Center 3600 is (703) 872-9306. Draft or

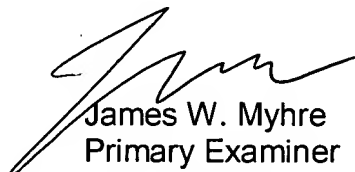
Art Unit: 3622

Informal faxes, which will not be entered in the application, may be submitted directly to the examiner at (571) 273-6722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group Receptionist whose telephone number is (571) 272-3600.



JWM  
May 24, 2005



James W. Myhre  
Primary Examiner  
Art Unit 3622